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Attorneys for Defendants Governor Arnold  
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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

**VIDEO SOFTWARE DEALERS ASSOCIATION  
and ENTERTAINMENT SOFTWARE  
ASSOCIATION,**

Plaintiffs,

v.

**ARNOLD SCHWARZENEGGER, in his official  
capacity as Governor of the State of California;  
BILL LOCKYER, in his official capacity as  
Attorney General of the State of California;  
GEORGE KENNEDY, in his official capacity as  
Santa Clara County District Attorney, RICHARD  
DOYLE, in his official capacity as City Attorney for  
the City of San Jose, and ANN MILLER RAVEL, in  
her official capacity as County Counsel for the  
County of Santa Clara,**

Defendants.

C 05 4188 RMW RS

[proposed] ORDER GRANTING  
THE GOVERNOR AND  
ATTORNEY GENERAL'S  
MOTION FOR SUMMARY  
JUDGMENT

Motion by defendants Governor Arnold Schwarzenegger and Attorney General Bill  
Lockyer (the "State") for summary judgment, pursuant to Rule 56(b) of the Federal Rules of  
Civil Procedure and L.R. 56-1, came on regularly for hearing on May 12, 2006, in courtroom 6

[Proposed] ORDER

*Video Software Dealers Association, et al. v. Arnold Schwarzenegger, et al.*  
C 05 4188 RMW RS

1 of the above-entitled Court, the Honorable Ronald M. Whyte, presiding. After reviewing the  
2 moving, opposition, and reply papers, and all supporting documents, and considering the  
3 arguments of counsel, and GOOD CAUSE APPEARING THEREFORE,

4 IT IS HEREBY ORDERED ADJUDGED AND DECREED that the State's motion for  
5 summary judgment is granted in its entirety as to each and every cause of action set forth in the  
6 complaint, and the preliminary injunction entered on December 21, 2005 is hereby lifted. The  
7 State has demonstrated that, as a matter of law, the challenged act (California Civil Code  
8 sections 1746 - 1746.5) does not violate the First Amendment, is not impermissibly vague, does  
9 not impermissibly compel speech, and does not violate the Equal Protection Clause. Judgment  
10 shall be entered in favor of the State on all causes of action.

11 **SO ORDERED**

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13 Dated: \_\_\_\_\_, 2006

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14 Hon. Ronald M. Whyte  
15 District Court Judge  
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